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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,147	02/05/2001	Glenn W. Palmway-Riley		7070

7590 01/14/2003

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EXAMINER
PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/776,147	PALMWAY-RILEY, GLENN W.	
	Examiner	Art Unit	
	David J Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14 and 15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Detailed Action

Correspondence

1. This office action is in response to applicant's arguments (paper no. 10) dated 10-30-02 and this action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,384,993 to Goddard et al.

Referring to claim 14, Goddard et al. discloses a fishing hook comprising a body – 5,6,7 composed of a metal (it is inherent that the fishhook body is made of steel since this is the common material of fishhooks as known to those of ordinary skill in the art) which is exposed for contact with water, a winding – 12 of metal, the winding having a central opening with the body being within the central opening such tat the winding – 12 extends around the body, the metal of the winding being exposed for contact with water and an insulating layer – 10 between the winding – 12 and the body to insulate the winding from direct contact with the body, wherein

the winding and the body are of dissimilar metals such that immersion of the hook in water results in the generation of a fish-attracting electromagnetic field as a result of electrolytic action between the two metals – see for example figures 1-4 and page 1 Goddard et al. does not disclose the hook and winding are of dissimilar metals but Goddard does disclose the winding – 12 is a bright and fine color meaning the winding is made of a metal such as aluminum or stainless steel thus making the metal winding a different material than the hook body, and further it is inherent that the dissimilar metals cause the electromagnetic field since this effect is known to those of ordinary skill in the art of fishhooks. Therefore it would have been obvious to one of ordinary skill in the art to take the fishing hook of Goddard et al. and add the winding and the hook body being of dissimilar metals, so as to make the fishhook more desirable to fish thus making it easier for the fisherman to catch fish.

Referring to claim 15, Goddard et al. further discloses the body comprises a rectilinear part – 5 having at one end means – 7 for attachment of a line and at the other end a hook – 6 wherein the winding – 12 is applied to the rectilinear part – 5 of the body.

Response to Arguments

3. Regarding claim 14, applicant states the Goddard et al. reference does not disclose an insulating. As seen in figures 1-4 an insulating layer – at 10 is shown between the shank of the hook – 5 and the metal coil – 12. Further as seen in column 2 lines 11-16 the Goddard et al. reference discloses the insulating layer – at 10 is attached to the shank – 5 with the metal coiled layer – 12 around the insulating layer – 10. Further the Merriam-Webster's Collegiate Dictionary

10th edition defines the word insulate as, "to place in a detached situation: isolate." As seen in figures 1-4 of the Goddard et al. reference the item – at 10 isolates the shank – 5 and the metal coil – 12. Therefore the Goddard et al. reference does disclose an insulating layer.

Further applicant states the Goddard et al. reference does not disclose the electromagnetic field being created by the dissimilar metals of the shank of the hook and the metal coil. As seen in the previous office action (paper no. 9) and above in paragraph 2 of this office action it is inherent that the shank of the hook – at 5 and the metal coil – at 12 are dissimilar metals and as seen in the previously cited U.S. Patent No. 6,247,261 to Kechriotis and U.S. Patent No. 4,218,975 to Ream dissimilar metals can be used underwater to create an electromagnetic field. Therefore, it is known to those of ordinary skill in the art that two dissimilar metals can be used to create an electromagnetic field to attract fish.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication from the examiner should be directed to David Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor. Peter Poon, can be reached at (703) 308-2574.

PETER M. POON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600